

January 22, 1974

PRESIDENT: The question is shall the Murphy amendment be adopted. Will all those in favor say aye. Those opposed say no. The question is shall the amendment be adopted, all those in favor vote aye, those opposed vote no. You are voting of the adoption of the Murphy amendment to LB568 on General File. This is the Murphy amendment only. Voting on the Murphy amendment to 568 on Select File. Have you all voted?

SENATOR MURPHY: I will not ask for a call of the house.

PRESIDENT: Thank you, Senator Murphy. The clerk will record.

CLERK: 9 ayes, 17 nays, Mr. President.

PRESIDENT: The motion is lost.

CLERK: Mr. President, I have a further motion to amend I move to reduce the 1 year accumulation period to 90 days thru out the bill. (Signed) Senator Goodrich.

PRESIDENT: The chair recognizes Senator Goodrich.

SENATOR Goodrich: Mr. President and members of the body. This is the legitimate amendment to this bill. As the bill now stands, it takes one year's time to accumulate sufficient amount of checks, whatever figure we settle on. Currently it is \$500 on the bill. If a person accumulates \$500 in a year's time, the way the bill reads right now, it becomes a felony. I am suggesting that it would be better if we would reduce the one's year time to 90 days. The reason being, that if a person is going to issue this much in the form of checks he will probably do it well within 90 days, and that the merchants that are the victims of the checks should not have to wait for a year to make a determination of whether it is a felony or a misdemeanor. I would move for the adoption of the amendment.

PRESIDENT: Is there a discussion of that amendment?

SENATOR DECAMP: Mr. President and members of the Legislature. I don't particularly oppose or support the amendment. I do have a motion to indefinitely postpone the bill. But I can only see the affect of the amendment is telling the check writer you have to write a little faster.

PRESIDENT: Is there any further discussion of the motions Senator Fowler.

SENATOR FOWLER: I have a question for Senator Luedtke. If he would yield.

PRESIDENT: Will you yield.

SENATOR FOWLER: Now under the current bill if somebody was to write the \$500 amount within the 90 days, would the merchant have to wait until the year was out for that person to be prosecuted? Under the present..If I understood Senator Goodrich he said if a person did it in 90 days, the merchant would have to wait a full year for that person to be liable for prosecution.

SENATOR LUEDTKE: Whenever the checks reach the point where they have gone over the \$500, or exceeded the \$500 he could be prosecuted.